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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.84 OF 2018

COMMERCIAL SUIT NO.78 OF 2014

WITH

NOTICE OF MOTION NO.243 OF 2016

SUMMARY SUIT NO.147 OF 2014

Lafarge Aggregates And Concrete India Private Limited ...Plaintiff

vs

Rajeev Ahuja ...Defendant

.....

Mr. Shadab S. Jan, i/b. MKA & Co., for the Plaintiff/Applicant.

Mr. Kamlesh Dayma, i/b. Bekay Legal, for the Defendant.

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CORAM : S.C. GUPTE, J.

DATED : FEBRUARY 28, 2018

P.C. :

. Heard learned Counsel for the Defendant/Respondent. The Applicant/Plaintiff is absent. This chamber summons is taken out by the Applicant for effecting change of name in the cause title and also add appropriate averments in the body of the plaint. By an order dated 13 February 2015, passed by this Court in a company petition, the Petitioner Company stood transferred and merged with Lafarge India Pvt. Ltd. Subsequently, the Petitioner was converted from a Private Limited Company to a Public Limited Company and, thereafter, its name was changed to Lafarge India Ltd. By a subsequent certificate of incorporation dated 10 March 2017, the name of the Plaintiff was further changed to Nuvoco Vistas

Corporation Ltd. The Applicant now seeks to substitute the name of the Plaintiff in the cause title accordingly and also make suitable averments in the plaint. The chamber summons is objected to by the Defendant/Respondent principally on the ground that the affidavit filed by the Applicant in support of the chamber summons does not contain an appropriate verification. Be that as it may, the fact that the Company's name has undergone the changes, as indicated above, is not really in dispute. Accordingly, the chamber summons is allowed in terms of prayer clause (a) to the chamber summons. The Plaintiff is at liberty to take out a summons for judgment within two weeks from today.

2. The companion notice of motion is for condonation of delay in entering the Plaintiff's appearance in the summary suit. The motion has been allowed and the delay has been condoned. The motion is, accordingly, removed from the board.

(S.C. GUPTE, J.)